

bad for most claimants. As for the first, the nonpartisan National Taxpayers Union opposes the trust fund on the grounds that a bust is likely. It calls the fund "a fiscal time bomb." The second would land claimants back in limbo in courts (to the great pleasure of asbestos lawyers, of course, who clog up the system with questionable cases).

The precedents show how daunting this month's debate will be. As we've reported previously, only one of the many smaller trust funds created over the years has been able to meet its obligations, according to Francine Rabinovitz, a trust-fund expert at the University of Southern California. Last year she told Sens. Jon Kyl, Arizona Republican, and Tom Coburn, Oklahoma Republican, that "none of the bankruptcy trusts created prior to 2002 have been able to pay over the life anywhere close to 50 percent of the liquidated value of qualifying claims." Claims against the Johns Manville bankruptcy fund—one flawed effort to solve asbestos-injury claims—outstripped resources by a factor of 20.

That begs some questions. Will this \$140 billion fund "sunset" in three years like its conservative critics say it will? Even the Congressional Budget Office predicts it will bleed \$6.5 billion a year by 2015.

What about the medical criteria? A group of conservative senators on the Judiciary Committee worried about the fund's solvency cited this among concerns when they sent the bill to the Senate floor last year. Sens. Jon Kyl, Arizona Republican, and Tom Coburn, Oklahoma Republican, said that they were "deeply concerned that this fund will run out of money and prove unable to pay all qualifying claimants."

This debate will play out fully in the Senate over the coming days. In the meantime, it's worth pointing out what the FAIR Act offers that nothing previously has: A light at the end of the tunnel for claimants. Under FAIR, compensation ranges from \$25,000 for people who suffer breathing difficulties to as much as \$1.1 million for victims of the deadly cancer mesothelioma. It has taken long enough to get this far. The Senate is close to leading the way out.

THE PRESIDING OFFICER. The majority leader.

Mr. FRIST. Very briefly in response, this is an important bill that, again, is not a partisan bill at all. If you look at the votes today, you will see the split is between each caucus. I say that because so many bills come to the floor as partisan bills or bills proposed by one party, and they see such discussion and procedural moves. It is incumbent upon each Senator, looking within themselves and their own conscience, to ask the question: Is this a problem that deserves fixing?

I believe, based on the discussions today—that is the good thing about this last week—that it is a tragedy in terms of the victims, in terms of the jobs lost, in terms of the pensions lost—all due to a broken system. It would be a tragedy if we did not address it. We have a bipartisan bill which has come out of committee. It is open for debate on the floor of this body.

Just to clarify, we do have pending a budget point of order that needs to be discussed. Every Senator must understand what our chairman was saying through conversations because we will have a vote early next week on this

point of order. If the point of order is upheld, then the bill itself disappears and we have other legislation onto which we will move. That means we will not have fulfilled our obligation, our responsibility through having a bipartisan bill come out of the Judiciary Committee which is brought to the floor for debate and discussion, recognizing a huge problem faces the American people. That responsibility would be shoved aside.

I encourage my colleagues to look at this point of order, what it means in terms of procedure, and then answer the question, Is there a problem out there? And if the answer is yes, now is the time to fix it.

I yield the floor.

RESERVATION OF LEADER TIME

THE PRESIDING OFFICER (Mr. ISAKSON). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

THE PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business until 10 a.m.

The Senator from Missouri is recognized.

Mr. TALENT. How long is the morning business going on, Mr. President?

THE PRESIDING OFFICER. Until 10 a.m.

Mr. TALENT. I ask unanimous consent to speak as in morning business for up to 30 minutes.

THE PRESIDING OFFICER. Is there objection? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I request recognition after the Senator and that I be allocated 30 minutes as well.

THE PRESIDING OFFICER. The Senator from Missouri has asked unanimous consent that he be recognized for up to 30 minutes. Is there objection?

Mr. KENNEDY. Reserving the right to object, I wonder if the Senator would extend the unanimous consent request to include that I be recognized following him and that I be recognized for 30 minutes.

Mr. TALENT. I will so modify my request.

THE PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. TALENT. Mr. President, the Lord willing and the creek don't rise, as my mom used to say, I will not use the whole 30 minutes.

THE PRESIDING OFFICER. The Senator is recognized.

CLONING

Mr. TALENT. Mr. President, 9 years ago, scientific advances in the technology of nuclear transfer permitted the cloning of a sheep named Dolly. The immediate reaction of most Americans, and most Members of Congress,

was to try to make certain that this process was never used to create a human being, never allowing a human Dolly to be cloned. I remember thinking at the time that I personally did not want to live in a world where I was walking down the street and saw myself coming in the opposite direction.

Why this reaction? After all, cloning is an acceptable thing in the agricultural world. The difference, of course, is that human beings have a unique dignity. When parents decide to have a child, they do it for the benefit of the baby, to nurture that new life to live up to the potential and live out the plan which God created for him or her. All of us agree that people should not be cloned because the only reason you clone something is to use it, and human beings should and do exist for reasons of greater dignity than simply to be used by others. I think we all understand that if we were ever to allow a race of clones to be created as workers or body parts warehouses for society, we would cheapen the dignity of humanity to the point where none of the rest of us would be safe in our lives or freedoms.

Yet, despite this shared impulse against cloning, it has been 9 years since Dolly was created, and no safeguards against cloning have passed the Congress. Nor are there prospects of any such bill passing in the near future. The reason is that there is an area of overlap between the issues of cloning and stem cells. Many scientists believe that stem cells from a cloned human embryo may have unique advantages for medical research. This part of the scientific community has resisted the total ban on cloning which has been introduced each of the last 6 years in the belief that such a ban would inhibit one important aspect of stem cell research. Both sides have settled into what has now become a rigid stalemate, like the Western Front in WWI. Even though the idea of cloning human beings is morally repugnant to most of us, there is currently no Federal prohibition or even regulation of any aspect of human cloning, or for that matter of warehousing body parts and creating "fetus farms," and no prospect of getting such prohibitions.

I have spent the better part of a year researching this issue, meeting with people on all sides: groups who oppose cloning embryos to get stem cells, scientists who support it, parents who don't know who or what to believe but who are desperate for a cure for their children. Many to whom I have spoken have strong opinions about the underlying moral issues. In every case, I respected the sincerity and passion of those whom I spoke with. I have strong opinions of my own.

I believe human beings are precious. I am concerned about the tendency of our society to devalue people because they are too old, too young, or too inconvenient to have around. At the same time, I understand the desperation of parents whose children are sick